IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMARY SUIT NO.178 OF 1993

Bank of India ..Plaintiffs.

Vs.

M/s.Karan Electronics
& Ors. ..Defendants.

Mr.Jose George for the Plaintiffs.

None for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 10TH JULY, 2007

P.C. :

The suit is filed to recover a sum of Rs.7,22,692/- under a cash credit facility together with interest at 18.5% per annum.

2. Unconditional leave was granted to defend the suit. However, no written statement has been filed till date.

3. Defendant No.1 is the sole proprietary concern of Defendant No.2, who are the principal borrowers to whom the facility has been granted. Defendant Nos.3 and 4 are the guarantors. The cash credit facility was granted with a limit of Rs.8,00,000/-. In consideration thereof, Defendant No.1/2 executed

a demand promissory note, a letter of continuing security, a letter of lien, a hypothecation deed and a letter of non-borrowing. Defendant Nos.3 and 4 executed the usual guarantees.

4. In October, 1990 an additional temporary limit of Rs.1,00,000/- was granted under the said facility and in respect thereof, a demand promissory note and a letter and a separate deed of cost was executed. Defendant Nos.3 and 4 guaranteed the additional facility as well. In September, 1990 the facilities were continued and in respect whereof, similar documents were executed.

5. The Defendants have admitted and acknowledged their liabilities in various letters. The amounts have admittedly not been repaid.

6. The Plaintiff has tendered a compilation of original documents. The same are taken on record and marked Exhibit "A" collectively. The Plaintiff has also filed an affidavit in lieu of examination in chief of Anil Dattatray Desai, Staff-officer of the Plaintiff. The said affidavit sets out the aforesaid facts.

7. No written statement has been filed. There is nothing on record which militates against the Plaintiff’s case.

8. In the circumstances, the suit is decreed as prayed.